

**REGULAR MEETING of the Burrillville Town Council held Wednesday, February 12, 2014 at 7:00 P.M. in Council Chambers, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson**

**MEMBERS ABSENT: None**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the regular meeting held January 22, 2014 and the special meeting held January 27, 2014 and dispense with the reading of said minutes.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**3. Public Comment: None**

#### **4. General Good and Welfare of the Town of Burrillville**

**Councilor John F. Pacheco announced a not-for-profit joint effort between Burrillville Parks and Recreation, the Burrillville Lions Club, the Jesse M. Smith Memorial Library and the Berean Baptist Church to provide weekend food for needy Burrillville youth.**

**Councilor Stephen N. Rawson thanked participants in the Between the Cracks ice fishing tournament, which was a great success.**

**Councilor David J. Place welcomed a new business, The Taco Shop, to town.**

**Councilor Kimberly Brissette Brown mentioned upcoming events at the Jesse M. Smith Memorial library, including the Anti-Valentine's Day celebration on February 14, 2014, a Blood Drive scheduled for March 11, 2014, the Valentine's Day waiver of fines, the Friday Night Coffeehouse scheduled for February 21, 2014 featuring Paul Rocha and a workshop entitled Keeping Your Kids Safe on the Internet.**

**Councilor Edward J. Blanchard commented on the success of the 2014 Relay for Life Kick-Off event, noting the Burrillville Gloucester Relay for Life is scheduled for June 27 and 28, 2014 at Branch River Park.**

**Michael C. Wood, Town Manager, commended the Department of**

**Public Works for their excellent operation throughout a tough winter.**

**Council President Nancy F. Binns extended congratulations to Burrillville High School student Brandon Greene who is serving as a page at the U.S. Senate this semester.**

**5. Special Business:**

**14-024 VOTED to grant a victualing license to Father Gerard J. Caron, Pastor, Church of St. Theresa of the Child Jesus to apply for various functions throughout 2014 at 35 Dion Drive, Nasonville (Map 97, Lot 16) on property owned by The Diocese of Providence.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**6. Petitions: None**

**7. Public Hearing: None**

**8. Unfinished Business: None**

**9. New Business:**

**14-025 VOTED to open discussion relative to the FYE2013 Comprehensive Annual Financial Report.**

**Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Discussion: Donna T. Caccia and Mark V. Caccia of Caccia, Cayer, LLP were present to discuss the FYE 2013 Comprehensive Annual Financial Report (CAFR). Ms. Caccia noted that the auditors had met with the Audit Committee and discussed the CAFR in detail.**

**Donna T. Caccia reviewed:**

- Communication with Those Charged with Governance Under Statement on Auditing Standards #114**
- Letter of Transmittal**
- Management's Discussion and Analysis**
- Auditor's opinion**
- Overview of the financial statements**
- Details of the management letter**

**The CAFR was discussed.**

**14-026 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding the transfer of reserve funds.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**VOTED that the following reserve funds be increased via a transfer from the Town's Unassigned General Fund Balance:**

**Debt Reduction \$ 280,000**

**OPEB [Other Post Employment Benefits] 220,000**

**Unfunded Liability 170,000**

**Total \$ 670,000**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**MOTION that the funds remaining in the Route 102 Revolving Fund [\$106,482] be transferred to the Burrillville Redevelopment Agency for**

**future redevelopment activities.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard.**

**Discussion: There was discussion of whether the funds in the Route 102 Revolving fund might be required for projects in the Route 102/Commerce Park area in the near future.**

**The motion was withdrawn. The second was withdrawn.**

**VOTED to table the discussion until after the Council has met with the Redevelopment Agency.**

**Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor John F. Pacheco III. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**14-027 VOTED to open the correspondence from William Sequino, Jr., Executive Director, Rhode Island Clean Water Finance Agency regarding the Municipal Road and Bridge Revolving Fund; and correspondence from John P. Mainville, Finance Director, regarding a recommended resolution authorizing the issuance of bonds/notes.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**VOTED to adopt the resolution, as follows:**

**RESOLUTION**

**TOWN OF BURRILLVILLE, RHODE ISLAND**

**RESOLUTION OF THE TOWN OF BURRILLVILLE APPROVING THE FINANCING OF THE CONSTRUCTION, RECONSTRUCTION AND REPLACEMENT OF STREETS, SIDEWALKS AND BRIDGES IN THE TOWN, INCLUDING BUT NOT LIMITED TO, THE NORTH ROAD BRIDGE AND APPROVING THE ISSUANCE OF BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$680,000**

**RESOLVED, That:**

**SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-2 and Section 3.14(L) of the Burrillville Town Charter (the "Charter"), an amount not to exceed \$680,000 is appropriated for the purpose of financing the construction, reconstruction and replacement of streets, sidewalks and bridges in the Town, including but not limited to, the North Road Bridge (the "Project").**

**SECTION 2. The Finance Director and the President of the Town**

**Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Six Hundred Eighty Thousand Dollars (\$680,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.**

**SECTION 3. The said officers from time to time may issue and refund not exceeding \$680,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.**

**SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.**

**SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof. The Town may enter into financing agreements with the Rhode Island Clean Water Finance Agency (the "RICWFA") in accordance with chapter 24-18 of the general laws to evidence loans from the municipal road and bridge revolving fund administered by the RICWFA.**

**SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Finance Director may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without**



interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

**SECTION 7.** The Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

**SECTION 8.** The Finance Director together with the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchaser or purchasers and, if the bonds or notes are to be issued on a tax-exempt basis, said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

**SECTION 9.** This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in

accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$680,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

**SECTION 10.** This resolution shall take effect upon passage.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

**14-028 VOTED** to declare surplus certain items, as follows:

- HP Office Jet V 40xi Printer, asset tag #001407
- View Sonic model VG930m Monitor, asset tag # 4042

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

**14-029 VOTED to refer the application from Gabrielle M. Abbate for reappointment to the Juvenile Hearing Board to the Screening Subcommittee.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Legislation:**

**14-030 VOTED to open a resolution in support of Senate Bill 2014 – S2054 Relating to Public Utilities and Carriers – Excavation Near Underground Utility Facilities – Costs.**

**Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Note: Councilor Wallace F. Lees recused from discussion and voting on item #14-030.**

**VOTED to adopt a resolution in support of Senate Bill 2014 – S2054 Relating to Public Utilities and Carriers – Excavation Near Underground Utility Facilities – Costs, as follows:**

**Resolution**

**Supporting 2014 – S2054 Relating to**

**Public Utilities and Carriers – Excavation Near Underground**

**WHEREAS, when municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA or other mandates or regulatory compliance cannot be achieved without relocating the apparatus; and**

**WHEREAS, the cost (charges) to relocate these facilities is extraordinary and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws or other mandates require relocation of these facilities; and**

**WHEREAS, it is unclear how these charges (costs) are derived by the utility companies; and**

**WHEREAS, fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided; and**

**WHEREAS, it might be prudent to investigate how these charges are determined and who guards against potential abuses.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the**

**Town of Burrillville, respectfully request that the State Legislature and the Governor's Office support Senate Bill 2014 - S 2054, An Act Relating to Public Utilities – Excavation Near Underground Utility Facilities – Costs, which would require that public utilities be responsible for any cost incurred by municipal corporations associated with the temporary or permanent relocation of utility infrastructure such as public utility poles during public works projects within municipal rights of way.**

**BE IT FURTHER RESOLVED that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 12th day of February 2014**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kimberly Brissette Brown. The motion carried, five in favor, one opposed, one recusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, and Stephen N. Rawson. Councilor David J. Place voted in opposition. Councilor Wallace F. Lees recused himself.**

**10. Town Clerk/Communication:**

**14-014 VOTED to receive and file the correspondence from Between the Cracks, acknowledging the \$1,000 SBA Tower charitable donation.**

**Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**14-031 VOTED to receive and file the annual report of the Pascoag Reservoir Dam Management District.**

**Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**11. Additional New Business: None**

**12. VOTED to adjourn at 8:10 P.M.**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees,**

**Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III,  
David J. Place and Stephen N. Rawson.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**